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THE
CONSTITUTION Explained,
In Relation to the Independency of the
HOUSE of LORDS, &c.

(Price One Shilling)

THE HISTORY OF THE

THE

CONSTITUTION OF ENGLAND

IN RELATION TO THE HISTORY OF THE

HOUSE OF LORDS &c

BY

WILLIAM BENTINCK

T H E
C O N S T I T U T I O N
E X P L A I N ' D ,
In Relation to the
I N D E P E N D E N C Y
O F T H E
H o u s e o f L O R D S .

W I T H
R E A S O N S for Strenghtning that
B R A N C H of the L E G I S L A T U R E
most liable to Abuse.

A N D

An A N S W E R to all the O B J E C T I O N S made
to the now-reviv'd P E E R A G E B I L L .

*Cunctas nationes, aut populus, aut primores, aut singuli regunt;
delecta ex his & constituta Republicæ forma laudari facilius,
quam evenire, vel si evenit, haud diuturna esse potest. Tacit.*

Humbly inscrib'd to the
H o n o u r a b l e H o u s e o f C O M M O N S .

L O N D O N : Printed for J. R O B E R T S near the
Oxford-Arms in Warwick-Lane. MDCCXIX.

THE

CONSTITUTION

OF THE

INDEPENDENT

REPUBLIC

OF THE

STATE OF TEXAS

WITH

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF TEXAS, PASSED BY THE LEGISLATURE OF THE STATE OF TEXAS, AT THE ANNUAL SESSION, 1875.

AND

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF TEXAS, PASSED BY THE LEGISLATURE OF THE STATE OF TEXAS, AT THE ANNUAL SESSION, 1875.

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AND

*The CONSTITUTION explained, in Relation to the
Independency of the House of
L O R D S, &c.*

THE best Way to form a right
T Judgment in the Controversy
now reviv'd about the Peerage-
Bill, is to have a clear Insight in-
to our Constitution; since both Sides alike,
those who are Against as well as For the Bill,
claim the Merit of Writing in its Defence.

The constituent Parts of our Legislature
are the King, and the Two Houses of Parlia-
ment; each of These has a necessary Vote;
so that without the Concurrence of all Three
no Law can be made, or repeal'd: And here-
in lies the Excellency of our Constitution,
that the Persons who compose each Branch
of the Legislature, being subject to the Laws
made by the Whole, are bound in Interest to
take care, that they consent to no Laws but
what are just and impartial; and there being
a Third to check the other Two, if they

shou'd chance to be mistaken ; it is scarce possible that all Three shou'd concur to the passing a Bad, or repealing a Good Law. And that Laws thus made shou'd be duly executed, and Men free from all Oppression, the Commons have a Right to impeach, and the Lords to judge such Criminals as can't well be reach'd by the ordinary Forms of Justice : And if any of these Three Estates shou'd not be content with its Share of Power, the other Two are in Interest, as well as Duty, oblig'd to oppose all Encroachments, and to preserve the Balance by fortifying that which may happen to be the weakest.

Tho' this is own'd to be our Constitution by those who are against the Bill, yet they generally maintain, that the Crown has a Power to over-rule the Votes of the Lords, by adding a Number sufficient to make a new Majority, whenever It, the sole Judge, thinks fit ; and that to deprive the Crown of this Essential Prerogative, by limiting the Number of the Peers, will subject the Nation to the worst of Oligarchies.

Nothing can be more evident, if the Law-making Power be the Supreme Power, than that they whose Consent is equally necessary to the passing any Law, must have an equal Share in this Supreme Power, and be, with Relation to it, equal among themselves, and have an equal Right to vote freely, and independently ; or in other Words, without
be.

being accountable to, or controulable by each other: And consequently, 'tis impossible, that any one of them can have a Power to destroy the necessary Vote of either of the other Two, by making it Assent or Dissent; as it pleases; since in this Case its Power is entirely annull'd, and the whole Legislature in the other Two.

To suppose the House of Lords have a Right to vote as they think fit, in the passing of any Laws (and without that they wou'd act as meer Machines,) and yet that the Crown has a Right to over-rule their Votes, is a gross Contradiction; and I may venture to say, no Nation was so senseless, as to endeavour to set up so inconsistent a Scheme of Government, as these Men father on the Wisdom of our Ancestors; 'tis setting up a House of Lords with one Hand, and pulling it down with the other.

In a word, Whoever allows, that by our Constitution, Two Estates can't make Laws without the Consent of the Third, must needs see, that if *This* shou'd, on any Pretext whatsoever, be forc'd to vote as either of the other Two think fit, the Constitution is destroy'd, and the Legislature dissolv'd: And surely no one Part can have a Right to confound the Whole. And tho' it may be said, the Crown will not always exercise this Power; that alters not the Case, if the Rod constantly hanging over them, makes

makes them act as otherwise they wou'd not do, knowing it in vain to contend, when they may be forc'd to submit.

If a Constitution, fram'd as ours, is the most perfect which human Wisdom can contrive, each Part must contribute to it; otherwise it wou'd be as perfect without that Part: But if the House of Lords were in the Power of the Crown, the same Acts wou'd pass as if there was no such State; it wou'd be the most effectual Way to make the House of Lords both *Useless* and *Dangerous*: *Useless*, as a State; but *Dangerous*, as a Creature of the Crown, ready to assist it in all its Arbitrary Designs, as well as to skreen it from the Odium that such Designs wou'd draw on it.

If this Power were extended to both Houses, the Crown would be absolute, and the Parliament kept up for Form sake, or rather to impose on unthinking People, who would be apt to imagine the Power remained, because the Names and Forms continued.

“ It may be objected, that the King, having a Right to create Peers, and not being limited by Law as to Number or Time, is wholly at liberty to make them in what Numbers, and at what Time he thinks fit.”

Tho' the King, where Mercy is seasonable, may have a Right to pardon a Malefactor, yet sure that gives him no Right to pardon all Malefactors; and by putting a Stop to
punitive

punitive Justice, frustrate the chief End of his being entrusted with the Executive Power. So tho' the King may confer the Dignity of Peerage as a Reward of Virtue, will it therefore follow he can make a Nose of Wax of the House of Lords; by adding at any one time such a Number as shall turn the Majority on what Side he pleases ?

The Crown can't have a Right to over-rule the Votes of the Lords, without having a Right to every Thing necessary to this End; which it could not have, if the Lords made for this Purpose were not to Vote Right or Wrong, according to its Direction, without regard to the Merits of the Cause. A Thing too absurd and scandalous to be owned. And consequently, if it be the Duty of the Lords to act as they judge best for the Publick, it must equally be the Duty of the Crown to bestow the Honour of the Peerage on Men of such strict Virtue, as will upon no Consideration whatever swerve from this grand Duty.

Tho' the People every new Parliament chuse ther Representatives; yet they have no Right to over-rule their Votes, or hinder them from Acting with the utmost Freedom; and there's as little Reason the King should have any such Power over the House of Lords, which as it is as ancient as the Crown it self, so they do not represent the King as the Commons do the People; but they act

by an inherent Power, and have the same Hereditary Right to their Seats in Parliament, and to the Privileges which belong to their House, as the King has to his Crown, and the Prerogatives appertaining to it.

The Equality between the Three Estates, Parts or Branches of the Legislature, is no way destroy'd by one of them being entrusted with the Execution of the Will of the Legislators; since 'tis wholly owing to the Share the King has in the making of the Laws, that he can't be deprived of his Right of executing them without his own Consent.

'Tis not necessary the Legislature shou'd always actually exist; it's sufficient, if that Part (which must be presumed the most proper Judge) has a Right within the Times prescrib'd by Law, to call and dismiss Parliaments; yet that does not hinder their Equality when met.

The Crown is so far from having a Right to over-rule the Votes of either House, that it is looked on as a Breach of Privilege for it, even in those Things it recommends to their Consideration, to take notice of what they are doing, lest it might prejudice that Freedom either in Debating or Voting, which has always been looked on as an essential Right of both Houses, and which the Upper takes as their Due, without making the least Compliment to the Crown. And when the Houses acting thus freely are agreed, then
the

the Crown, tho' without making the least Alteration, has a Power to accept or reject Bills.

To make the Balance as equal as possible, the King, lest that might give him too great a Power, was not to execute any of the Laws himself, nor was this alone thought sufficient by the Wisdom of our Ancestors; there was an Appeal from the Judges named by the King to the House of Lords; and indeed, it wou'd have been contrary to the Rules of Justice to have an Appeal, especially when the Judges held their Places during Pleasure, from the Executive to the Executive Power.

The Peers holding their Seats in Parliament by Hereditary Right, were presumed to be above Corruption, or the Influence of a Court; and having the greatest Share in the Landed Property, were thought the fittest to make equal and impartial Rules about it, as what must affect them and their Posterity; and that they wou'd act free from that *Chicanery*, which too much prevailed in the inferior Courts; and the better to enable them to perform this Part, the Judges, and others learned in the Law, were constantly to attend their House.

As this Power was entrusted with the Lords, so the Commons had the Disposal of the Purse; which, among other Reasons, was, no doubt, given them, to prevent the Crown,

that had the Power of making War, Peace, and Alliances, from engaging in any Measures with relation to Foreign Affairs, as it could not reasonably expect to be supported in; and this Privilege alone, considering the Government can't be supported without their Annual Assistance, carries more Authority and Weight, than all those put together which the Lords enjoy. 'Tis to them singly the Crown applies, and thanks for the Sums obtain'd; and a Vote of Credit of that House, will at any time enable the Government to borrow Millions.

In short, the Crown may as well pretend to hinder such Peers, whose Votes they do not approve (of which there has been too many Instances) from coming into the House, and thereby gain their Point, as force a Question thorough that House, by throwing in Numbers sufficient to change the Majority; since in both Cases, the Freedom of the House is equally destroy'd; and tho' the former may be a greater Hardship on particular Persons, yet it does not carry with it such a Train of Mischiefs, as the latter, by the continual Increase of Peers, must inevitably produce.

Bribery, tho' it leaves Mens Persons free, yet is look'd on as such a Force on their Minds, that in all Parliamentary Elections, it is sufficient to make an Election void, or expel a sitting Member. And if adding a
Num-

Number to over-rule the Votes of the Lords, be as much a Force, as Bribery; and if nothing can be argu'd for one, but will equally hold for the other, both alike ought to be condemn'd, or both alike admitted. And then if the Crown may bribe one House, and over-rule the Votes of the other, What have we to trust to? But if it would be look'd on as Force in the House of Commons, to over-rule their Votes, by any indirect Method, on any Pretence whatsoever, What Reason can be assign'd, why the House of Lords, who, certainly, have the same Right to act as freely in their Legislative Capacity, should have their Votes over-rul'd by a Trick, which serves only to aggravate the Crime.

There are many Things, which from their very Nature and Reason, are unlawful; and therefore need not an express Law to forbid them: As for Instance; Tho' no Law excludes the Crown from making as many Judges as it pleases in the inferior Courts, yet should it add to the present Number in any Court where a Cause was depending, in order to make it go on which Side it pleas'd, this would be thought inconsistent with all the Rules of Equity and Justice, and the Advisers would be look'd on as infamous: But, How much more ought they to be accounted so, who can give this Advice, in order to over-rule the House of Lords in their Judicial, as well as Legislative Capacity?

How

How easy would it be for a young Prince to let all the Spiritual Peers drop, and possess the Revenues of their Sees; and yet this, tho' no express Law forbids it, would, no doubt, from the Nature of the Thing, be a Breach of Trust.

Our Kings, by virtue of their Prerogative, formerly gave some Corporations a Right to send Members to Parliament, and took this Right away from others; and tho', as far as I can find, there's no written Law against it, and no Prescription is good against the Crown, yet there's no Commoner, but would think it a high Violation of the Rights of the Lower House, should any thing of this Nature be attempted, tho' not in the midst of a Debate.

Tho' a Corporation may at any time forfeit its Charter, and that may be put to a legal Issue; yet King *James*, by taking away, tho' by Law, so many Charters, as enabled him to chuse what House of Commons he pleas'd, was guilty of a high Crime; and there can be no Reason but 'tis equally criminal in the Crown, so to abuse the Power it has of making Peers, as thereby to over-rule the Votes of the Upper House.

By the Common Law, every Thing was Treason which had a direct Tendency to subvert the Constitution, and might formerly have been punish'd as such by the inferior Courts; and tho' *Westminster-Hall* was, for
very

very good Reasons, confin'd to the 21st of *Edward* III. and the subsequent Statutes about Treason, yet they laid no Restraint on the Power of the Supreme Court of Judicature ; and there are many Instances of Persons not only attainted, but upon Impeachments condemn'd for Treason, tho' not within those Statutes ; and which were no such direct and open Violation of the Constitution, as the Crown's thus over-ruling the Votes of the House of Lords.

When the Executive Power is so well guarded by the Statute-Law, Can we suppose, there's no Law for the Security of the Legislature, and every Sovereign Branch of it, except only in one Case relating to its Power of Limiting the Succession of the Crown, not made before Queen *Elizabeth's* Reign ? Can there be any doubt, but that this before might have been punish'd by the Law, by which Parliaments are to govern themselves ?

In all our Histories, we have not one Instance of such a notorious Violation of the Constitution, as was practis'd in the late Reign ; which is a very convincing Proof, how detestable it was always thought, and what severe Punishment it would have met with ; tho' had it been an essential Prerogative of the Crown, and consequently as ancient as the Crown it self, the Lords many Ages since had been vastly more numerous than

than at present. We seldom wanted Princes, who to gratify their own Passions, and those of their Minions, wou'd frequently have made use of it. Can we suppose, Ministers were so ignorant, or so negligent of their own Interest, as never to have had recourse to this obvious Expedient, either to carry on their Designs, or when those failed to skreen themselves from Justice ?

How easily by this Method might such Princes, who attempted to raise Money without Parliaments, and who, to justify what they did, corrupted the inferior Judges, have obtained a Sentence in the Supreme Court of Judicature ?

Might not *James II.* or *Charles I.* (to go no further back) have got all their Arbitrary Proceedings adjudged to have been Legal, Just, and Beneficial ? Might not *Strafford* by this Method have saved his Head ? and *Leeds* have avoided a long Imprisonment ?

If a Thing so very obvious was never attempted, it cou'd be for no other Reason, than that so black a Treason against the Constitution wou'd not have gone unpunished. The Lords cou'd never have suffered their House, by such a Trick as this to be put into the Power of the Crown, nor wou'd the Commons have endured to have their impeaching Power by the same Trick turned into Ridicule.

The Lords, the only Judges, who have a Right to sit in their own House, instead of admitting a Troop of Lords, created at once to serve a Court-Turn, wou'd have treated them as in a Confederacy to betray the Essential Rights of that House. And the Prince, who shou'd have design'd it, wou'd have been effectually told by Both Houses, that it was a wicked Attempt to destroy that Constitution, by which he held his own Power.

This was the Sense of the Nation, as long as they had a just Value for their Liberties. They were then so far from enduring, that the House of Lords shou'd be under the Power of the Court, that they wou'd not suffer a single Peer to be influenc'd by it. And therefore an Act of Parliament pass'd in the 17th of *Edward the III*d, for degrading *Nevil*, Duke of *Bedford*, lest his Poverty might force him to act a Part inconsistent with the Honour of the House of Lords. And there's scarce a Reign, but will afford us several Instances, to shew how tender the Nation was in every Point, which related to the Freedom and Independency of the House of Lords.

The present House of *Commons*, which it can't be doubted, have a due Regard for the Prerogative, as well as for their own Rights, wou'd not, if they had thought it prejudicial to Either, have charg'd a certain Earl in the 12th Article of their Im-

peachment, with Treason: “ For that he be-
 “ ing most wickedly determin’d at one fatal
 “ Blow, as far as in him lay, to destroy
 “ the Freedom and Independency of the
 “ House of Lords, the great Ornament and
 “ nearest Support of the Imperial Crown
 “ of these Realms, and falsely intending to
 “ disguise his mischievous Purposes, under
 “ a pretended Zeal for the Prerogative of
 “ the Crown, did advise, &c. ——— Pre-
 “ vailing on Her Majesty to exercise in the
 “ most unprecedented and dangerous Man-
 “ ner, that valuable and undoubted Prero-
 “ gative, which the Wisdom of the Laws,
 “ and the Constitution of the Kingdom had
 “ intrusted the Crown with, for the reward-
 “ ing signal Virtue, and distinguishing Me-
 “ rit: By which desperate Attempt, he
 “ wickedly perverted the true and only
 “ End of that great and useful Prerogative,
 “ to the Dishonour of the Crown, and irre-
 “ parable Mischiefs to the Constitution of
 “ Parliament.

If this was so criminal in the Adviser, tho’
 perhaps driven to it, as the only way left to
 save his Head, what can we say in Excuse of
 those, who, under no manner of Constraint,
 write in Defence of this most unprecedented
 Precedent, and by representing it as an essen-
 tial Prerogative of the Crown, absolutely ne-
 cessary to preserve the Constitution, wou’d
 entail the Practice of it on our latest Posterity.

I will

I will now consider the Nature of the House of Lords, and the Reason of its Institution, to see whether there's any Ground from thence for this pretended Power in the Crown : Or, Whether the Constitution, which has stood so many Ages without it, would now be in any Danger for want of it.

It's agreed on all Hands, That the House of Lords is a middle State between the Crown and Commons ; and that 'tis their Interest, as well as Duty, to endeavour to preserve the Balance between these Two powerful Extremes ; since if That is broken , and either of them gets uppermost , they are no longer a *State* ; but Slaves to the prevailing Power.

As there never was a Government compos'd of a King and Commons only, so no Writer in Politicks, I believe, ever thought it practicable, but that in order to unite, and hold them together, a State of Nobility was absolutely necessary : Otherwise, the Violence of the People ever running from one Extreme to the other ; and the restless Ambition of Princes, and the insatiable Rapaciousness of their Minions, would quickly bring all Things into Confusion.

If we consider the Privileges and Honours the Peers enjoy, and the Estates they possess, and the high Rank they, and their Descendants , for ever hold in the Government, we must needs see , how strongly their Inte-

rest obliges them , not only to preserve the Balance between the Crown and Commons, but to oppose all Innovation whatever. Nor can we, morally speaking, suppose a Majority of them can be brought to hazard the Loss of all these distinguishing Advantages , as well as their Lives, to gratify the Ambition of some of their own Body.

Envy, Ambition , or Emulation (call it what you please) is so powerful among Persons of Distinction, especially if upon an Equality, as the Peers are , that That alone is sufficient to hinder them from joining in such a Design ; tho' they were not sensible, that notwithstanding such a Change, the Administration would be in few Hands , and the chief Posts enjoy'd by them, or their Creatures, to the great Dissatisfaction of the rest of the Body : And that this of Course would create such Divisions among them, as in all Likelihood, would end in the Tyranny of a single Person.

As 'tis no small Argument of the Excellency of our Constitution, that it has stood so many Ages with so little Interruption ; and that when any Innovations were made , the Nation quickly grew weary of them : So 'tis much to the Honour of the Nobility, that they, when they had for several Ages, a Power to do what they pleas'd, were so far from setting up an Aristocracy, that they made no Alteration in the Form of the Government themselves, or suffer'd others to do it.

Upon

Upon the Conquests made by the *Northern* Nations, the Conquerors here, as well as in other Places, divided the Lands among themselves : And their General, whom they made King, had such a Share ; and the Officers the best Part of the rest ; each in Proportion to the Post he enjoy'd ; and all, who had so much Land held by such a Tenure, were the only Persons who compos'd the Upper House, 'till after the 48th of *H. 3.* and till then it can't be pretended, they were hinder'd from forming an Aristocracy, by the Crown's having a Power to add, as often as it thought fit, an unlimited Number. And long after that, the Barons were so powerful, that they might have done what they pleas'd ; since their immediate Vassals, who were oblig'd to attend them in their Wars, were much more numerous than those who held immediately of the Crown. And this can't be doubted, when a few of them were, as we have several Instances in History, a Match for the Crown.

In those Days the Commons were, for the most part, their Vassals and Tenants, and not a few (which they thought no small Honour) their menial Servants, and consequently they could bring them into what Measures they pleas'd. And yet then, instead of assuming to themselves such a Power, as some now pretend to dread, they were in the Interest of their Country, and defended its Liberties with their Blood and Treasure.

If

If we look into the other *Gothic* Governments, which obtain'd over *Europe*, we shall find them form'd much after the same Manner, and yet not one of them were ever chang'd into an *Aristocracy*; but all, as the Power of the Nobility decreas'd, into absolute Monarchies.

I need not instance in the *Gothick* Governments only, since I believe we have nowhere an Example of any mixt Monarchy's being chang'd into an *Aristocracy*; and those Governments, formerly very numerous, compos'd of a Senate and People, the latter were generally so turbulent, that they never rested till they had thrown every thing into the Arms of a single Tyrant; and whoever had a Mind to enslave his Country, had little more to do than to put himself at the Head of the Populacy, in Opposition to the Nobles; and when by this means he had got them into his Power, *they became as slavishly submissive, as before they were intolerably insolent*; which *Machiavel* says, all Historians observe to be the Nature of the Multitude.

Rome affords us most remarkable Instances of this Nature, where the People, tho' they had, as *Machiavel* observes, “ both the *Consuls*, the *Censors*, the *Prætors*, and other Great Officers chosen out of their own Body; yet were carried on with such an exorbitant Fury, that they even ador'd such Men as were the forwardest to insult the Nobility.

“ This

“ This (says he) was the Rise of *Marinus's*
 “ Greatness, and his Greatness the De-
 “ struction of *Rome*: *Cæsar* made himself
 “ Master on the same Foot; and when the
 “ People might have been free, they were
 “ for continuing the Tyranny in his Family.”
 Nay, when the whole Race of the *Cæsars*,
 most of whom were Monsters for their
 Cruelty, was extinct, the People, who were
 so turbulent during the Time of Liberty,
 did not then make the least Attempt for
 recovering their Freedom. But the Multi-
 tude never arriv'd to that Pitch of Mad-
 ness, as to believe Tyranny to be *Jure Di-*
vino, till these last Ages, in which they have
 been absolutely govern'd by their Priests.

If in those Times, when the Barons
 were able to dispose of every Thing, they
 were true Friends to the Constitution; Shall
 we now be jealous of their having any
 Designs against it, when there's an invin-
 cible Reason added to these already men-
 tion'd, *viz.* the Impossibility of succeeding?
 For tho' the Lords may still be said to be an
 artificial Balance, yet if compar'd with
 any of the other Two States on Account
 of any natural Power, they are of very lit-
 tle Weight.

Had the Lords in *Charles I.'s* Reign had
 but the fortieth Part of the real Power their
 Ancestors enjoy'd, there can be no doubt,
 they had kept the Balance even, and pre-
 vented

vented that unnatural War; but as weak as they were then, yet they had, generally speaking, better Estates than at present; and the Commoners since that Time, have vastly increas'd in Number and Riches, and consequently, in Power.

If we go no farther back than the *Revolution*, Has there been any Thing in the Conduct of the House of Lords to give us the least Jealousy of this Nature? Have they not acted a uniform, steady Part in promoting the Publick Good? And it's no small Instance of their Zeal for it, that they would, as no body doubted, have submitted to a *Tack*, how injurious soever to their Rights, rather than that a Bill, containing the necessary Supplies, tho' but for a Year, should have been dropt.

When a *Tack* was attempted by those, who afterwards went by the opprobrious Name of the *Tackers*, it was not only opposed by the Majority of the House of *Commons*, but the Nation, especially the *Whigs*, exclaim'd against it, as breaking in on the Constitution, and destroying the Freedom of the House of Lords: And, Can any of those who were so zealous against the *Tack*, if they are govern'd by Principles, not be as much against the Crown's over-ruling their Votes, since That equally destroys their Freedom.

Tho' 'tis for the Honour of that illustrious Body, that all the immense Sums that the Court

Court in the late Reign could offer, did not prevail on them to betray their Country; yet their judging it not safe, in Opposition to the Crown and Commons, to assert their own Rights, tho' in a Matter which concern'd the very Being of their House, one would think, can be no Argument for copying after that most unprecedented Precedent, to prevent their subduing both Crown and Commons. On the contrary, whatever the House of Commons, if their Rights had been so notoriously violated, would have done, to prevent the like for the future, ought certainly now to be done for the Security of the House of Lords.

Having thus fairly stated the Constitution, and shown that the Lords have a Right to act as freely, and independently, as any of the other Two States; I shall now consider the Consequences, which, in all likelihood, will attend the hindring them from exercising this Freedom by Rejection of the Peerage-Bill.

Persons in Power, generally speaking, think it sufficient to justify whatever they do, if they can find a Precedent for it, no matter how obtain'd; and should a Bill, brought in to hinder its future Practice, be rejected; that were sufficient to render it sacred; tho' its Advocates without Doors did not represent it as essential to the Constitution: In this Case, What Ministry would scruple to have Recourse to it; and every new Practice of it, would be a new Confirmation of its Authority?

As Ministers are oftner chang'd here than any where else, so there would be frequent Occasion for this Precedent ; and every new Ministry would think themselves oblig'd to get a Majority of Friends into the House of Lords by the same Means as their Predecessors did, and of adding an unlimited Number as often as their Circumstances requir'd it. And this every Time 'twas practis'd, woul prequire the Addition of a greater Number ; especially considering those made by the former Ministry, would (if we may judge by what we see daily practis'd) right or wrong, oppose their Successors in every thing ; but if Parties as well as Ministers are chang'd, that would still require the Addition of a far greater Number : Besides, there may be as many unforeseen Causes for augmenting the House of Lords by Troops, as Princes may have irregular Passions to gratify.

The Parliament, when they made so lately a Law to render such as should be impeach'd incapable of Pardon, had sure no Notion of such a Prerogative in the Crown, as might not only prevent Persons, guilty of the highest Crimes, from being condemn'd, but get them Votes of Approbation and Thanks.

If, as Things now stand, it is no easy Matter to bring the most notorious Criminals to Justice, 'tis, I humbly suppose, the Duty of the *Commons of Great Britain*, as they are Guardians of the Liberties of the People, not only to render this more practicable, but to hinder

hinder those who are the proper Judges, as much as they can, from being under the Influence of such as are to be judg'd by them.

A Minister, who is not content with the ordinary Profits of his Post, but in haste to grow imminently Rich, will be apt to reason thus with himself : “ Court-Favour is un-
 “ certain ; I may be this Moment under-
 “ min’d : What then shall hinder me from
 “ making the best of so precarious a Place,
 “ by plundering the Publick, oppressing private Persons, driving weak People into desperate Rebellions, and getting their Estates to save their Heads ? Why shall I not sell
 “ my Country, and those in Alliance with it,
 “ to the best Bidder ; and make such a Treaty
 “ of Commerce, as shall drain the Nation of
 “ its ready Money, and destroy all its Trade,
 “ when I can’t fail of getting a Vote, that
 “ what I have done, is *just, honourable, and*
 “ *advantageous* ?

As nothing can contribute more to make Ministers act contrary to their Duty, than this Prospect of Impunity, so their Example will quickly be follow’d by inferior Officers, and Corruption creep into every Board.

When the Court had the Power of calling out from among the Lords whom it pleased, to judge in Impeachments, innocent Men many times fell a Sacrifice to its Resentment ; and may we not fear the same Consequences, if the Crown is permitted to add what Number it pleases to the standing Judges ? And

considering the frequent Turns, what Person of Consequence, especially, if he does his Duty, can long promise himself to be safe ? and if his just Conduct shou'd have the good Fortune to please during one Reign, it may be condemned in the next, and the Successor (a Thing not very uncommon) may hate that Interest and Party his Predecessor espous'd ; and if of a violent Temper, and weak enough to be wrought on by such Incendiaries as creep into all Courts, what can hinder him by virtue of a Majority thus gain'd in the House of Lords, from carrying his Resentment as far as he pleases ?

We have no Reason to suppose the People here are not as apt to run from one Extream to another as any where else ; and likely, as Experience has shewn, to chuse almost every new Parliament a Majority of Men of different Principles, Views, and Designs. This fickle Temple, almost inseparable from the Commonalty, our wise Legislators had very well consider'd ; and therefore, thought it highly reasonable, that one House shou'd have an Hereditary Right to their Seats in Parliament, that there might be nothing to hinder them from Acting a most steady Part in different, as well as in the same Parliament ; which prudent Intent wou'd be wholly frustrated, if it were in the Power of the Court to make them vary as they thought fit. And consequently they who are satisfy'd with the present Circumstances of Affairs, and wou'd have

have Things as little uncertain and fluctuating as possible, have all the Reason in the World to be for a Bill, which will effectually hinder it.

Can they, for Instance, who think *Liberty of Conscience* a Natural Right of Mankind, and the *Toleration* necessary for the Safety of the *Church* as well as of *State*, imagine *That* to be as safe, not only in the present but future Reigns, if the Crown can over-rule the Votes of the Lords ; as it wou'd be, if nothing cou'd hinder them from acting a constant steady Part ?

The more the Lay-Peers are increased, the less will be the Weight of the Spiritual Lords, whose Number is fix'd ; and can that be for the Interest of the Church ? Or can those High Churchmen, who are perpetually railing at what the Commons did in the late Times, think their Ceremonies, Modes, and Forms of Discipline safe, when every Thing is in the Power of the Crown and Commons. Can they suppose, that any Prince, whose Government can't subsist without Annual Supplies, will easily be brought to differ with them, especially about what may be thought meer Trifles ?

If the Crown cou'd have formerly thus govern'd the Lords, most of those Laws, which from Time to Time have put a Restraint on it, and which have been in a manner wrested from it by the repeated Importunity of both Houses, wou'd never have
passed

passed ; since the Lords, instead of joining with the Commons, wou'd have skreen'd the Court from most part of the general Dissatisfaction and Clamour, otherwise unavoidable. Who can be sure that hereafter the Nation may not have Occasion for some such Laws ?

Besides, what can hinder a Prince, who has the Power over one House, so to manage it, as to make the People (natrally fond of Arbitrary Power) weary of both. History is full of Examples, where Misunderstandings between Nobles and Commons have been inflamed to that Degree, as to be capable of no other Decision, than the enslaving of both. How precarious is their Reasoning, who suppose the Crown will always use this Power for the Interest of the Commons ?

If the Court cou'd over-rule the Votes of the Lords in their judicial Capacity, wou'd not That put the Disposal of all the Landed Property in its Power, and make the Ministers ample Amends for the Loss of the Court of Wards ?

How can the Nation be secure of any of their Properties, or Liberties, if the Crown can over-rule the Votes of the Lords ? Since as a Pretence can never be wanting to bring any Thing relating to them before the Lords, so a Majority made on Purpose wou'd not fail to give Judgment in favour of the Crown : As long as the Lords are left to act according to their Consciences, (as all Judges ought

ought certainly to be) there cou'd be no Danger of their coming into any such Arbitrary Measures, since the Advantages they enjoy under the present Constitution are much more valuable than any they cou'd expect from Tyranny ; which tho' it has every Thing in its Power can give its Votaries no Security for any Thing.

If that Ministry, who had the Disposal of more Money than 'tis probable any other will ever have, were forced, despairing otherwise of Success, to have recourse to a vile Trick, never before attempted, to gain a Majority of Lords ; we may very well conclude, no other will have it in their Power to bribe both Houses ; and consequently, we are in no Danger of having our Liberties given up, if the Court be hinder'd from being able to play the same Trick again.

In K. *James* the First's Reign, *Spanish* Gold prevailed as much as *French* has done since ; and are there not some who talk as tenderly of a certain Cardinal, as if they had already felt his powerful Influence ; and, (Things being in a perpetual Rotation, what may we not apprehend if they shou'd be at liberty to model the House of Lords as they thought fit ?

If the great Security against the Encroachment of the Crown, are the Two Houses, must it not be very impolitick, to put one of them in the Power of the Crown, to be employed as an Engine, for the bringing in, and supporting Arbitrary Power, especially, considering

sidering many Accidents may make our Liberties chiefly to depend on the Freedom and Independency of that House ?

If the *Revolution* had not prevented K. *James* from calling a Parliament, after he had modell'd the Corporations, what cou'd have hinder'd him, if he had made use of the late Expedient for gaining a House of Lords, from establishing by Parliament his dispensing Power, his Religion, or whatever else he pleas'd ?

His Brother, no doubt, was as fond of being absolute, tho' want of Courage hinder'd him from attempting it, yet what Hazard had he run, if after he had got a House of Commons for his Turn, by using the Power given him by the *Corporation Act* of modelling all the Corporations as he thought fit ; he had had Recourse to this essential Prerogative, as 'tis now called, for gaining a House of Lords ?

If the Crown had formerly a Power to give what Corporations they pleas'd a Right to send Members to Parliament, and take away that Right from others, what cou'd have hinder'd it, if it likewise had a Power to over-rule the Votes of the Lords, from making itself absolute ? His Majesty, indeed, graciously restored the Charters, which most Corporations had forfeited, without making the least Advantage of it : But can we be sure, that if any such Accident should happen hereafter, that the Crown will not make the best of it ?

None;

None, sure, but such as believe Tyranny has Divinity stamp'd on it, can be pleas'd with this Over-ruling Power in the Crown, if they reflect how zealous the greatest Part of the Corporations in the late Reign, were for getting rid of their Liberties, and with what entire Satisfaction the People, in their Addresses declar'd for an *Unconditional Obedience in the Subject* . and an *Unlimited Power in the Crown* ; and promis'd to choose Men of the same Loyal Principles to represent them.

If Resentment so fully possess'd one Party, that rather than suffer the other to continue uppermost, they cou'd encourage an Invasion from the barbarous and cruel Ravagers of the *North* (whom our Ancestors found to their Cost, were more easily call'd in, than got out) or from such bigotted Papists, as no Engagements can hinder from treating all Hereticks alike ; can there be any doubt, but the same Spirit of Revenge wou'd engage them, when they run no such Hazard, to make whoever was on the Throne Absolute, provided he wou'd come into their Measures ? and how easily might a Prince, thus assisted, enslave the Nation, if he had at the same Time a House of Lords in his Power ? and tho' His Majesty's Goodness secures us at present from any such Danger, yet who can answer for what may happen hereafter ?

If those, who have Votes in the Election of Parliament Men, can be influenc'd by Gold ;

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without considering from whence it comes ; and there shou'd be that Intercourse between the Enemies of the Government Abroad, and the Disaffected at Home, that the former might be sufficiently instructed when, and where, to apply ; and if such powerful Solicitations by the pious Assistance of *High-Church* shou'd prevail, and the House of Lords at the same Time, shou'd be in the Power of a daring Ministry ; what cou'd hinder them if they thought it their Interest, from bringing about a New *Revolution*.

History affords us many Examples of Ministers, who have been Brib'd to make such short Turns ; and of Princes, who have been blindly led on by them to their Ruine : I shou'd be glad, if they, who in the late Reign, design'd by this method a New *Revolution*, were the only Men capable of acting such a Part ; but the World, I am afraid, will think those ready to come into any Measures, who cou'd conspire to distress the Government, in order to get the whole Administration into their Hands ; and the Moment they were disappointed, join openly with its Enemies, and secretly do them the highest Service in Fomenting — — — a Compounding Party is no new Thing in *England*.

In a Word, as long as the House of Lords is permitted to be in the Power of the Court, we stand on a Precipice, with Ruin and Destruction surrounding us ; which Way soever we turn, we meet with nothing but dismal

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Prospects and dreadful Images; and tho' we cou'd suppose Princes too Generous, and Ministers too Honest, directly to employ this Power for Enslaving the Nation; yet the frequent Draughts out of the House of *Commons*, of such Members as have Boroughs at their Disposal, or by reason of their Estates, have a great Interest in the Counties, must at some Time (shorter, perhaps, than can be imagin'd by any, who has not consider'd what Influence they have at present in Elections) enable the Lords to make a majority of the House of *Commons*; and they, who can make them, will, no doubt, govern them when they are made; and then, if the King can over-rule the Votes of the Lords, and the Lords those of the *Commons*, the King himself, will, in Effect, be *King*, *Lords*, and *Commons*; but suppose, that the Number of the Lords at last become too great for the King to over-rule; or that they, when thus powerful, shou'd no longer think fit to admit into their House, Peers made on purpose to serve a Turn, wou'd not this be equally Fatal to the House of *Commons*? Must not they become the Creatures, either of the Crown, or of the Lords? and consequently, has not the House of *Commons* a direct, and immediate Interest to prevent the Exercise of this Power, which, I might add, must every Time 'tis practis'd, render them cheap in the Eyes of the People as well as Ministry, and obliges the Government to bestow a great ma-

ny Preferments, which otherwise would fall to their Share, on another Body of Men.

Tho' the *Commons* were not directly, and immediately concern'd, yet since there can be no Colour for the Crown's having this Power over one House, which may alike reach the other, ought they not to put a Stop to the growing Mischief? He, who neglects to quench the Fire broke out in his Neighbour's House, will not be much pity'd if his own is burnt.

'Tis Time now to consider that Part of the Bill, in which the Sixteen Elected *Scotch* Peers are to be made Hereditary, and Nine more added on the same Foot, and upon the Extinction of the Male Line, of any of these Twenty five Peers, the Number is to be fill'd up from among the *Scotch* Lords.

The *Scotch* Peers, 'tis most evident, think themselves to lye under such Hardships, that we must expect, if these are not redress'd, continual Rebellions, and almost as many sorts of Destroyers brought into this unhappy Nation as there are Princes of different Interest and Religions in *Europe*; and 'tis in vain to think of applying a Remedy, 'till we are thoroughly acquainted with the Distemper: In Order to which, I shall observe, that,

The Majority of *Scotch* Peers (who, together with the *Commons* made but one House) were, as 'tis generally said, against Uniting upon Terms so highly disadvantageous to their Body,

Body, but that it was carry'd by the Concurrence of several Lords; who, tho' content that this Expedient shou'd *then* pass, rather than the Union be lost, yet declar'd, that they hop'd to obtain from the Justice of the *English*, Terms more advantageous; and as this was spoken with a general Approbation, so the Clause pass'd as a Matter, which might be chang'd whenever the Legislature thought fit; it not being made, like some other Things, essential to the Union.

It being contrary to the Design of Instituting a House of Lords to have that Body, or any Part of it Elective, there was just Reason to conclude, that the *English* Peers, tho' but for the Honour and Dignity of their House, wou'd not have long suffer'd Persons, so dependent and precarious, to sit among them as Peers and Equals, without Applying the proper Remedy; but the *Scotch*, instead of being gratify'd in this tender Point, quickly felt what they judg'd a much greater Hardship; which, if foreseen, there had not in all Likelihood, been one Vote among them for the Union, *viz.* that no *Scotch* Peer is capable of being made a Peer of *England*; as this has been so judg'd by the Lords in one Claim already, so there are Two more to be determin'd this Sessions; which, if refus'd, will undoubtedly provoke, even our best Friends in *Scotland*; but this Mischief may be prevented to the general Satisfaction of the *Scotch* Nobility, if
they

they, who have those Claims, are to be of the Number of the Hereditary Peers.

If a better Expedient to prevent the impending Mischiefs cou'd be found, shou'd we not have heard of it from the Opposers of this Bill? Can they be Gentlemen of so little Humanity, as to be pleas'd with the Nations continuing without any Prospect of Relief under such dismal Circumstances, or of so little Judgment, as to imagine the Privileges of the Elective Peers ought to over-balance the general Good.

A Legislature, which will not be govern'd by what is best in the whole, nor endeavour to prevent a general Mischief, 'till it can get over the Hardships some particular Person may suffer, will quickly bring ev'ry Thing into Confusion; if either the *English* or *Scots*, had been influenc'd by these Principles, the Union had been utterly impracticable. It's a standing Maxim, not only in our, but in all Laws whatever, *Better a private Mischief than a publick Inconvenience*; and since Inconveniences and Conveniencies are mixt together, 'tis the Business of the Legislature to see which preponderates, and to make such Alteration from Time to Time as the general Good requires; and upon This in a great Measure depends the Quiet and Peace both of *South* and *North Britain*.

If we consider only *North Britain*, we shall find this Expedient must be to the general Satisfaction of a People most jealous for the Honour

nour of their Country ; especially their Ancient Nobility ; they will think this Change for the Reputation of both, and can't but be pleas'd to see Twenty five of their Ancient Nobility made Hereditary Peers, sitting upon a Level with those of *South Britain*, equally independent, equally at Liberty to act for the Good of their Country, instead of Sixteen Elective Peers, depending wholly on the Pleasure of the Court, whether they should survive more than one Session.

As this will oblige the *Scots* in general, so it must tie the chief of the Nobility, and their *Clans* to the Interest of the Government ; and considering so many by the Rebellion have forfeited their Titles as well as Estates, this Provision takes in those, whose Estates will enable them to support this high Dignity, now more extensive, as well as greater than they formerly enjoy'd, when both they, and the Commons made but one House ; and the rest of the Peers, the Vacancy being to be fill'd out of them, must in time enjoy the same Advantages ; and in the mean Time are possess'd of all the other Privileges of *English* Peers.

Where People are entrusted with a Right, not for their own Sakes, but meerly for the Benefit of the Publick, as in the Case of all Parliamentary Elections, there they ought to enjoy it no longer than 'tis for the Publick Good, of which the Legislature is the sole Judge; Com-
plaining

aining in this Case of an Injury (since if an honest Use is made of it, 'tis being freed from an expensive Burden) wou'd look as tho' they betray'd their Trust in making a private Advantage of it.

'Twou'd take up a Volume to mention the Changes made in *England* on this Head: Till the 48th of *Hen. 3.* all who held by such Tenures came to the Upper, or Lower House; but after that, there were a Number of Changes; particularly our Kings gave to, or took from what Corporations they pleas'd, the Power of Choosing Members; but to go no further than the *Restoration*, 'till then no Clergy-man had a Right to Vote in Parliamentary Elections. By the 13th of *Ch. 2.* that King had a Right to put in, and turn out of the Corporations whom he pleas'd, tho' Elections in a great Measure depended on it; and since, Occasional Conformists have, or have not had a Right, according as it has been thought for the Publick Good, to enjoy Offices in Corporations. By a Law lately made, the Electors are confin'd in their Choice to Men of such Estates, and who are not in such Posts; which is debarring both Electors and Elected, of a Right they enjoy'd before; and shou'd the Legislature think it for the Publick Interest, that none shou'd Vote, except they had Ten Pounds a Year in Land, they wou'd be in Duty bound, notwithstanding the vast Numbers it wou'd deprive of their Votes, to enact it. In *Scotland* was there not a great

Alteration

Alteration made in Elections with relation to the *Commons*; nay, was not the whole Business of the Union agreed to without Consulting their Principals? and, therefore, those concern'd in Passing that Law, can with a very ill Grace complain of the Legislature now making a small Alteration in Comparison of that they then did; They must rail with a worse Grace, who, in the late Reign, were for an Act in Favour of Episcopacy, tho' inconsistent with a Fundamental Article of the Union, on Pre-
tence of an unlimited Power in the Legislature.

To give an Instance with relation to the Upper House, were not the *Papish* Lords, who, notwithstanding their Religion, enjoy'd their Seats in Parliament, 'till *Ch. 2^d's* Time, depriv'd then of their Hereditary Right, and made incapable of either Sitting themselves, or being represented by others? and if it be thought just by ev'ry Body, that Men of such Opinions (which may not be in their Power to change) shall be for ever depriv'd of their Hereditary Right, because those Opinions are inconsistent with the Publick Good, ought not the same Regard to be had to the same Publick Good, when That requires any Change of this Nature, whether it be upon the Account of Opinions, or for any other Reasons whatever?

I shall now do Justice to the other side, and examine what they say against the Bill.

Most of the Writers on that side being sensible, that the Nation has for a long time, desir'd a Stop shou'd be put to the Encreasing the Number of Peers; and that since the late Precedent the Reasons for it are much stronger than before, concluded there was no Preventing a Bill of this Nature from Passing, without Charging it with some fatal Consequences; and accordingly, they roundly asserted, tho' without the least Proof, that 'tis an Essential Prerogative of the Crown, to over-rule the Votes of the Lords (whenever it, the sole Judge, thinks fit) by Adding to the House such a Number as wou'd make a Majority; and that if the Crown is depriv'd of this Power the vilest of *Oligarchies* is unavoidable; and then made bitter Invectives against Limiting the Prerogative; and said, If the Lords were once possess'd of an Act of this Nature, they wou'd never part with it, tho' it shou'd prove ever so fatal; without considering that there was no Prospect of Obtaining it another Time, tho' the Nation might suffer ever so much for want of it.

As this might have been said against the Crown's Consenting to all those Laws, which have been made for Limiting the Prerogative in Favour of either, or both Houses, so if this Reasoning be just, it must for ever be a Bar
against

against Strengthening any one Part of the Legislature.

When the *Habeas Corpus* Act was propos'd, might not any have harangu'd like the *Plebian*, and said, " This Proposal at first Sight
 " appears very shocking, as carrying with it
 " so great an Alteration of the Constitution,
 " which may have its Imperfections; but, as
 " faulty as it is, our Ancestors have convey'd
 " down Liberty to us thro' that Channel, and
 " we ought to continue it on as well as we can
 " to our Posterity, and not give Way to New
 " Modelling Schemes, away, therefore with
 " your *Habeas Corpus* Bill; What! deprive the
 " Crown of a Power of Imprisoning at Discre-
 " tion, and leave both Houses at Liberty?
 " Will not this destroy the Balance of Power,
 " which is now even, or else the Constitution
 " cou'd not have subsisted in Quiet?

When this Writer pretends to argue, he says,
 " The most valuable Privilege of the Com-
 " mons, the only Thing which makes them
 " considerable, is, that the Number of their
 " Body can't be encreas'd; the Lords are pos-
 " sess'd of many great Privileges, that they
 " will not permit the Commons to share with
 " them; and, therefore the Commons wou'd
 " be highly wanting to themselves, if they
 " shou'd add this Advantage to the Lords, the
 " only thing they enjoy distinct from them".

If it shou'd be ask'd, Why this is so great a Privilege, cou'd any other Answer be giv'n,

but that it hinders the Crown from Over-ruling their Votes, and secures that Freedom which is essential to the Being of a House; and is there not the same Reason, the Lords shou'd be as little in the Power of the Crown?

Wou'd not that Man act madly, who was against Stopping the Sea from breaking in on his Neighbour's Land, tho' it cou'd not but overflow his own Acres; because, forsooth, his Neighbour wore a blue Ribbon, or had some other Mark of Distinction he wanted?

He says, " The Encreasing the Number of
" Peers is always to be wish'd for by the
" Commons, because the greater their Num-
" ber the less considerable they are.

Had a Prince a Design to confound both Houses, and make himself absolute, nothing cou'd please him better, than to see them strive to make one another as little considerable as possible.

If this Author, really thinks the Influence of the Crown upon the House of Lords, is necessary to preserve the Constitution, and therefore says, if the Crown can't influence the Lords in relation to it self, and the Commons, they both must submit to the Lords, he is the first pretending to the Name of Whigg, who ever asserted the Constitution was in Danger by the Crown's having too little Influence in the Upper House; on the contrary, the great Uneasiness that House gave the Whiggs, was from their being so much at the Devotion

tion of the Court, in the Reigns preceding the *Revolution*: And they complain'd of the Spiritual Lords in particular, that they were the dead Weight, which fell plumb into all the Measures of the Court; but this new-fashion'd *Whig* is contriving how to make the whole House as errant a dead Weight as ever the Bishops were in the worst of Reigns.

The Author of the *Thoughts*, &c. and of the *Reflections on the Old Whig*, pretends to go to the Bottom of Things, and to argue from the Nature of the House of Lords in saying, " That Illustrious Body was not instituted for its own sake, but for the Support of the Monarchy, of which they are the Guardians as well as Ornament"; but since ours is a *mix'd* Monarchy, how can they any wise contribute to the Support of it as such, without having such an independent Power as will enable them to hinder either the Crown or Commons Usurping upon each other? since if either gets uppermost the *mix'd* Monarchy is destroy'd: But if by Monarchy he means only the Crown, its but a poor Compliment to any one Branch of the Legislature, to say, that one or both the others are instituted for its sake when in reality that branch it self, as well as the other two, is appointed for the good of the whole, and all Three equally oblig'd to Support one another in their just Rights, Powers, and Privileges.

From these Premises he draws this Conclusion,

clusion, that " the Monarchy (meaning the
 " Crown) has an essential Prerogative to add
 " to, and augment the Number of the Lords,
 " in such a proportion as to render them a
 " proper Balance against the Democratical
 " Part of our Constitution, without being
 " formidable to the Crown it self"; " and
 then adds, " Without this Power in the
 " Crown they must be dangerous to it, and
 " be able to impose what Conditions of Go-
 " vernment they please. Its the only Re-
 " source the King and People have against
 " any Exorbitancies and Combinations of
 " their Body; whilst such a Prerogative re-
 " mains in the Crown, there can seldom or
 " never, be an Occasion to make use of it.
 " Their Lordships are too much concern'd
 " in the Preservation of their own Digni-
 " ties, to provoke the Crown to a Remedy
 " that is always at hand; and the Crown
 " can't debase the Nobility, and make it
 " cheap, without lessening its own Splendor
 " and Power.

I must own, I am wholly at a Loss, how
 to understand these refined Politicks, and so
 dull, as not to conceive, how Increasing the
 Number of the Lords can make them Formi-
 dable to the Monarchy it self; and the Not-
 Increasing them destroy the Monarchy; or
 how a House of Lords can be debas'd by In-
 creasing their Number, when their Power en-
 creases with their Number: I should think,
 that

that by the same Reason such a Number will make them a Balance to the Democratical Part of the Government, a greater Number must make them an Over-balance; and if such a Number is formidable to the Monarchy, how much more formidable must they be, when their Number is doubl'd, or trebbl'd. And I can't but lament the incurable defect in our Constitution with respect to the House of Lords, if whether their Numbers are limited, or not, they must be able to impose what Conditions of Government they please.

This Power in the Crown, instead of being a Security to the *Commons*, may, by his own Concession, be very fatal to them; since if a Prince, by increasing the Number of Lords, can make them an Over-balance for the Commons, what will hinder him from having the Commons at his Mercy, by the Assistance of that House, which He can over-rule at Pleasure? And he seems somewhat sensible of this, (in his *Reflections on the Old Whig*) he says, “ To do him Justice, I acknowledge, he has
 “ unavoidably shown the great Inconvenien-
 “ cies which will happen to the Crown and
 “ People, if the Lords are multiply'd too fast.

I am afraid 'twill not be so easy as he thinks it, to persuade Princes, that the Power and Splendor of their Crown will be lessen'd by their Adding to the Number of the Upper House, as long as they can over-rule their Votes, on the contrary, they will be apt to
 think,

think, that the Power, and consequently, the Splendor of their Crown, was not arriv'd to its utmost Height, 'till the Lords by the vast Increase of Property, owing to the continual Addition of well-chosen Numbers, were able to make, and consequently, command a House of Commons.

Had *James I.* and the succeeding Kings, thought the Increasing the Number of Peers wou'd have hinder'd their Influence in the Upper House, they wou'd never have augmented their Number at so prodigious a Rate; and since a House of Peers thus modify'd, must be as much at the Devotion of the Prince as his standing Forces, he might as well have said, no Prince will desire to augment them, lest it will lessen his Power and Splendor, and render the Officers by their great Numbers cheap, and contemptible; and tho' 'tis possible, the Number of the Lords may at last be dangerous to the Crown, yet Princes are apt to despise, or not reflect on remote Dangers, when 'tis to gratify their present Passions; 'tis not, certainly, the Interest of Kings to govern by an Army, yet History tells us, that neither the Danger of the Attempt, nor their being at the Mercy of their own Army, if they succeed, has been able to discourage them from Attempting it.

By this Writer's Scheme, the Lords, if they act like a wise Body, ought always to receive the Direction of the Court how to Vote, since
 twou'd

wou'd be in vain to contest it; and, therefore, if they are concern'd for the Preservation of their own Dignities, they can never be so weak, as to provoke the Crown to a *Remedy, which is always at hand; and which debases the Nobility, and renders it cheap.*

Tho' nothing can be more notorious than that this is such a Force on the House of Lords, as destroys their Being as a Branch of the Legislature, yet he gravely tells us, *This seems to be the only Limitation the Nature of the Thing admits, without dissolving this Species of Government.*

But with Submission wou'd not the Crown be entirely stript of its share of the Legislature, and this *Species of Government* dissolv'd, tho' the usual Form of passing Acts were still kept up, if the Lords and Commons had a *Remedy always at hand*, to oblige the Crown to consent to all their Bills? and there have been several Writers, who have run into this other Extream, and maintain'd upon, at least, as colourable Pretences, that the King had no Right to reject any Bills, which had pass'd both Houses.

I can't reconcile this over-ruling Power in the Crown, *this Remedy always at hand*, with that Account of the Constitution, which himself gives of it, as the Foundation on which he builds his After-reasonings.

“ The Institutors of this Species of Monarchy have, *says he*, contriv'd so proper a

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“ Balance

“ Balance between the several Parts of it, that
 “ each State can give some Check to both
 “ the other; and Two concurring have al-
 “ ways the Means in their Power to bring
 “ the Third to Reason without recurring to
 “ Force”. If this be a true State of the Con-
 stitution, there’s nothing in his Pamphlet, ex-
 cept where he contradicts himself, but is
 wholly inconsistent with it; for how can the
 Lords be a Ballance against the Crown, if the
 Crown can over-rule their Votes with rela-
 tion to itself, or to the Commons? Or what
 Check can they give the Crown, if That can
 make them Vote as it pleases? Or how can
 the Lords and Commons ever join to bring
 the Crown to Reason? But if the Prince by
 forming a new Majority, can bring the Lords
 to his own Reason; and then by their Assist-
 ance oblige the Commons to do what he shall
 say he thinks reasonable (and he sure will
 never judge any thing unreasonable which
 himself demands.) There’s an end of this Spe-
 cies of Government, which, upon his own
 Supposition might otherwise be Immortal.

He says, “ The Lords, while kept in a pro-
 “ per Dependency, must ever support that
 “ Power which supports them; yet they can
 “ never have an Interest to make it Arbitrary”.
 It’s a strange way of supporting the House of
 Lords, to take from them the only Power they
 have, of Voting as they think fit; and who,
 while they act independently, can never have

an Interest to make the Crown Arbitrary ; but if they are to be kept in a *Dependency*, a *proper Dependency*, there are no Arbitrary Measures to which a well-chosen Majority may not be brought to concur. What does it signify what is or is not their Interest, while there is in the Crown a Remedy always at hand to over-rule their Resolutions. In short, the House of Lords is agreed to be a Security against the Arbitrary Power of the Prince ; but at last it amounts only to this ; One Branch of the Legislature, the House of Lords, will certainly be against it, except when the Crown is for it.

If the Lords have no Superior over them, as to their share of Legislature, they must be Supreme ; and yet to suppose them dependent, is to make them dependent and independent at the same Time ; and nothing can be plainer, than that if they have any Power at all in the making of Laws, it must be a Co-equal, Co-ordinate Power, without the least Subjection, Dependency, or Sub-ordination.

To do this Author Justice, tho' he talks here of a Dependency, yet (in his *Reflections*) he says, *I can't help thinking the Lords are one State with a Witness, they have an equal Power in making all Laws, &c.* which is making the same Persons dependent on the Crown, and equal to it at the same Time, and in the same Matter.

There is not, says he “ a more certain Maxim in Politicks, than that a Monarchy must

“sublist by an Army, or by a Nobility, the first
 “makes it Despotick, the latter a Free Government;” but then sure, the Nobility must be Free themselves, and at Liberty to Vote independently, otherwise they may be made as much the Instruments of Slavery, and as proper Tools to bring in Despotick Power, and to support it when brought in, as an Army.

He says, “If the King had the Prerogative
 “of Raising Money, and cou’d protect the
 “Instruments of unlawful Power, its evident
 “the Power of Monarchy wou’d be absolute;” but how can a Prince want the Power of Protecting such Instruments, or having it declar’d by the supreme Court of Judicature, that he has this Prerogative if he can over rule the Votes of this Court by a *Remedy always at hand*? If *Ministers*, as he supposes, *will do their own Business, whatever becomes of the King and the People*, why will he not rather have them in the Power of their Judges, than their Judges in theirs?

If this Inconvenience, that a good Law may be Lost, by the Dissent of any one of the Three Estates, be not amply recompenc’d, by the same Power being able to hinder a bad Law, yet it is no other than what attends all mix’d Governments; since if there were but Two Estates, the same Thing wou’d happen, and can’t be removed but by absolute Power being invested in a single State, a Remedy infinitely worse than the Disease; to prevent which,

which, this Constitution, which he is labouring to destroy, was Instituted; and if his Reasons are sufficient to confound that Estate, which he supposes Essential to a mix'd Monarchy, he can't but be sensible they must be strong enough to confound the other Estate, which he does not make to be Essential.

He wou'd have it thought, that the Rights of the House of Lords are no more Invaded by the Crown's over-ruling their Votes, than the Rights of the Commons are by a Dissolution; but this can never be a Parallel Case, except it puts the Commons as much in the Power of the Crown, as the other does the Lords.

A Dissolution may have a good Effect on the Lords, because they coming again to their Seats without any Trouble, Hazard, or Expence, are likely in the mean Time to think calmly and coolly, and so perceive their Mistakes, whereas the Crown has seldom made use of this Expedient to bring the Commons to a more complying Temper, but it has found it self strangely mistaken, the Violent having been chosen again, and the Moderate miscarry'd; and our Author confesses *this Remedy is not to be admitted without the extreme Necessity*, tho' indeed there cou'd never be Occasion for it, if what he said just before were true, that *this Power always hang-*
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ing over their Heads, must be a constant Restraint on all their Actions.

If the Laws are not sufficient to prevent the Members of either, or both Houses, from Conspiring against the Government; but the Crown must have a Power for that End, to over-rule the Votes of one House, the same Reason, especially if a Dissolution wou'd not do, will equally conclude for the same Power over the other; and if such Arguments are allow'd to be good with respect to one House, there may be Junctures when it will be very difficult to hinder it from having the same Effect on the other.

There's no Commoner but wou'd think it very wrong Reasoning to say, a Right in the Crown to govern, carries with it a Right to every Thing necessary to that End; and consequently a Right to raise Money for the support of its Annual Expences, otherwise it might not, ev'n in Time of Peace, subsist above a Year; and that the Right of making War wou'd be in vain in the Prince, if not many Times involve the Nation in Ruin, if he had not a Right to the Sinews of War; this wou'd be having a Prerogative without having the Means to uphold it; and therefore, the Crown must have, in such Circumstances, a Power to over-rule the Votes of the Commons; and can there be any Answer giv'n here, but will equally hold against any Arguments which are us'd for a Power in the Crown to over-rule the Votes of the Lords?

This

This Author says, “ It is urg’d that ’tis safer
 “ to trust this Power with the Lords, than an
 “ Unlimited one with the Crown, to
 “ make what Creations it pleases, tho’ to
 “ serve the vilest Purposes ; and in Answer to
 “ it, he tells us, the Nature of Power is little
 “ understood by those who own this Opinion,
 “ which can never be truly dreadful, but when
 “ it is unaccountable and irretrievable”, which
 is striking at all Power whatever, that is not
 accountable to, and retrievable by the Crown,
 and what can the most Absolute Monarch de-
 sire more ; and had the Designs of that Mini-
 ster succeeded, who, in the late Reign, pre-
 vail’d on the Court to make use of this unli-
 mited Power, there had not been now any un-
 accountable, any irretrievable, and consequent-
 ly, no truly dread’ul Power either in the
 House of Lords or Commons.

To shew that the Lords are accountable, ev’n
 in their Judicial Capacity, he says, “ There’s
 “ no Difference between the last Appeal with-
 “ out being accountable, and a Power of Le-
 “ gislation, but what consists in the Modera-
 “ tion of the Judges ; and if this exceeding
 “ great Power must irrevocably be vested in
 “ the very same Persons, I see nothing the
 “ Commons have left to desire, but to en-
 “ title themselves to their Favour and Pro-
 “ tection, by wearing their Badges as for-
 “ merly.

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The sole Question here, except this was writ with a Design foreign to the Bill, can only be, whether the Supreme Court of Judicature is like to act more justly and impartially, when left to judge according to their Honours, and Consciences, or when the Crown, unacquainted with the Merits of the Cause, throws in a Number of Judges, to force a Sentence on what side it pleases.

The Thing he contends for is so Odious, that 'tis never practis'd, at least, openly in the worst of Tyrannies, and the Judges in Appearance act free from all Constraint, and such a Manifest Violation of all Justice, no free Nation wou'd ever have born, as well knowing whose Badges that wou'd oblige them to wear.

In all Countries whatever, where there's any Thing of Property, it has always been esteem'd a great Blessing, if the Judges, *were not over-aw'd by the Crown, or its Ministers*; especially those Judges whose Sentences cou'd not be revers'd (as there must be some such, otherwise there wou'd be Appeals *ad infinitum*.) This Nation thought it a very great Point gain'd at the *Revolution*, to have the inferior Judges, who before were removeable at Pleasure, to be made independent of the Court; and that the very same Persons shou'd judge not only in Matters of Property, but of Life and Death.

If the supreme Court of Judicature; which has hitherto acted both for its own, and the Nation's Honour, should change its Conduct, the Commons far from wearing their Badges, might easily by some such Votes as they made in the Case of the *Fag* and *Shirley*, bring them to Reason : As the Power the Lords had in former Times, was not owing to their judging about Property, but their having the greatest Share of it themselves, so if his *Hypothesis* takes Place, they must enjoy again as great a Share as ever ; and I must add, I never met with any, who, tho' they would rather have Commoners than Lords the last Judges in Cases of Property, yet were not wholly at a Loss, where to place it, and forc'd at last to admire the Wisdom of the Constitution.

Tho' there's nothing in the Bill relating to the Personal Privileges of the Lords; yet he every where gives those a most invidious Turn, and among other Things of this Nature, (in his *Refl.*) says, *If they should commit High-Treason, or Felony, they can't be punish'd unless they have a Mind to it* ; sure he forgets 'twas owing to a Law made not long since, that no Lord in the Intervals of Parliaments should be try'd, but by their whole Body ; which shews, that the whole Legislature thought it for the Publick Good, it should not be in the Power of the Court to chuse whom they pleas'd for Judges ; but that

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the whole Body of the Lords should act freely, and independently.

But allowing the Personal Privileges of the Lords to be as grievous as he will have them, is not that a good Argument against multiplying such Grievances ? Would one, who was apprehensive, that impartial Justice could not easily be obtain'd in a Dispute between a Lord and a Commoner, be for encreasing the Number of Lords ? and consequently, the Number of such Suits ?

The *Plebeian* as little spares the Persons of the Peers, as their Privileges, and the softest Thing his good Breeding can permit him to say, is, *That the Milk such Nobles are nurs'd with, is Hatred and Contempt for every living Creature ; but those of their own imaginary Dignity.* If he really thinks them such Monsters, why is he for having an unlimited Number ? Or, why does he use such Arguments against a Bill, which makes directly for it, and can only serve to prejudice People, and set the Houses at Variance ?

He says, “ In former Times the greatest Art and Care of the Crown and Ministers us'd to be the preventing Jealousies and Differences between the Two Houses ; this Proposal, I fear, will be raising an implacable Animosity and Hatred, scarce ever to be reconcil'd. ”

If

If such Jealousies and Differences were always likely to happen between the Two Houses, as requir'd the greatest Art and Care of the Crown and Ministers to prevent ; what must we think of a Man, who, after he himself has done his utmost to infuse Jealousies, and to create Differences between the Two Houses, then, to render the Crown and its Ministers odious to the Nation, charges them with this wicked Design ; and in supposing this Proposal will have these fatal Effects, makes an infamous Libel on the House of Commons ; since this is the only Thing, which can effectually prevent what they in their Impeachment of a Noble Peer, so solemnly declar'd, was, “ Endeavouring at one
 “ fatal Blow to destroy the Freedom of
 “ the House of Lords, to the Dishonour
 “ of the Crown, and the irreparable Mis-
 “ chiefs of the Constitution of Parlia-
 “ ments.

The Author of the *Thoughts* to shew what Danger may accrue to the State, if the Number of the Lords are limited, says,
 “ The Priesthood, by being an United
 “ and Regular Body, always lying on the
 “ Catch, and acting with the same Views,
 “ from living on the Charity and Bene-
 “ volence of their Hearers, in a few Ages,
 “ became the Lords and Masters of Man-

“ kind, in Defiance of that Religion they
 “ profess’d to teach.”

If that Equality which the Peers enjoy, and, which, at first, was between all Bishops had been continu’d, and an early Law made to limit the Number of the Clergy, Ecclesiastical Tyranny had not prevail’d, at least, to so great a Degree; That came into the Church by the same Arguments he uses to bring it into the State, on Pretence of preventing Schismatical Conspiracies and Heretical Combinations; for this End an universal Pastor was created, who claim’d a Power to throw into the Councils an unlimited Number of Titular Bishops; that being the *Only Resource* the Church, and its chief Pastor had to over-rule their Votes.

The Clergy, who, certainly, are very good Judges of their own Interest, are every where for encreasing the Number of Spiritual Persons, even of the highest Rank, notwithstanding the Dignity of each Person may be diminish’d by the Number, and by the Jurisdiction and Authority being divided; they very well knew as a Body they were Gainers by it, that their Numbers would make it dangerous to oppose them, tho’ they should not only stretch the Privileges they already enjoy’d to the utmost Pitch, but should be daily gaining new
 Ones:

Ones; and 'tis notorious, that the Encroachments and Tyrannies of the Ecclesiasticks grew in Proportion to their Number.

One would be apt to think, that the greater the Number of Lords, especially if Men of Parliamentary Abilities, and of great Estates, and Interest in the Countries, and who have numerous Relations, Dependents and Acquaintance, the more powerful that House would be; but it seems, this is a gross Mistake, and the more of these are taken out of the Lower House, and added to the Upper, the stronger the Commons are render'd, and the weaker the Lords; and if a stop should be put to thus weakening the House of Lords by encreasing their Number, an Oligarchy must infallibly ensue.

Had not the *Plebeian* thought want of Men of Parts would make the House of Lords very dangerous, he sure, would never have asserted, that "The greater the
 " Number of Lords, the more inconsiderable that House will be;" and "That
 " the shutting the Door of the House of
 " Lords will be very Detrimental to the
 " House itself, by preventing such frequent
 " Supplies as the Nature of such a Body
 " requires; for want of which, it may in
 " time, become corrupt and offensive like
 " a stagnating Pool, which hitherto has
 " been preserv'd wholesome and sweet by
 " the

“ the fresh Streams which continually pass
 “ into it.

The Want of Property may add to their Power, since he tells us, that Property for Want of Oeconomy is rarely encreas'd in the House of Lords; and indeed, the Estates of those, who have the highest Titles (now more coveted than ever) will be sufficiently diminished by making Provisions for younger Children, suitable to their Titles.

The Author of the *Thoughts* says, “ So
 “ many Emergencies, Difficulties and Fa-
 “ ctions arise in all States, the Crown will
 “ be often Neccessitous, and the Commons
 “ divided, that a fix'd and powerful Body
 “ always determin'd to their own Advan-
 “ tage by a dextrous Management of such
 “ Events, must soon possess themselves of
 “ all they desire; 'twill be in vain to op-
 “ pose with one View what will be often
 “ given them with another.

If the Crown be often Neccessitous, the Commons are like to make their Advantages of that, and how much soever they may be divided among themselves in other Points, there can be no doubt, they will be unanimous in opposing the least Encroachment of the Lords; and if we look into History, we shall hardly find an Instance, where-ever the People have been defective in this Point; but on the contrary, a Mul-
 titude

itude of Examples, where flourishing State have been destroy'd by the groundless Jealousies the Commons have entertain'd of the Nobles ; and had not these Writers imagin'd People capable of receiving any Impressions against the House of Lords, we never should have been told, an Oligarchy was unavoidable, if the House of Lords are permitted to enjoy that Freedom in Voting, which is essential to their Being ; and which they have had without the least Interruption, from the Beginning of the Constitution to this very Day, except in the late detestable Instance.

One would think, that the House of Lords was at present a dependent Body, that might be call'd to an Account, like a Ministry, or chang'd like a House of Commons, by the Author of the *Thoughts*, saying, “ If this Prerogative be taken away, the House of Lords will be a fix'd and independent Body, not to be call'd to an Account like a Ministry, nor dissolv'd, or chang'd like a House of Commons ; ” and concludes, that by being fix'd and independent, it would have every Thing in its Power.

If this was good Reasoning, why is not the Crown absolute ? Can any Thing be more fix'd and independent than That, and which can, at Pleasure, call,

call, and dissolve both Houses? Besides, a King, who has such powerful Means always at Hand, and can act with all Secrecy, may, certainly, by a dextrous Management of all Events, sooner be absolute, than a divided Body of Men destitute of all these Means; each Member of which is as liable to be punished for acting against the Government, or Breach of the Peace, as any other Subject.

If the Lords are always determin'd by Interest, and Aggrandizing their House is an Interest superior to any Other that particular Lords can have, what Reason have we to think, that those made by the Court to serve a Turn, will have more Vertue than the Ancient Nobility; and consequently, that they will not be as ready to come into this superior Interest? If so, Adding to their Numbers will but bring about an *Oligarchy* the sooner.

Upon the *Restoration* the Fifth Monarchy Men, indeed, tho' but an handful, were resolv'd to conquer the Nation, and set up a new Government; and in Order to it they desperately attack'd the Guards, but then they expected to be seconded by a King, who, had he been willing, might have enabled them to have subdu'd the Universe, but *his Kingdom not being of this World;*

World, they unluckily miscarry'd ; but what Assistance can the Lords expect from any Power in Heaven or Earth? Can they think with a few rusty Musquets, that hang up in some of their old Halls, to conquer a whole Nation, which wou'd fight it out to the last, rather than submit to so detested a Thing as an *Oligarchy* ; which has always been look'd on so remote from ev'ry ones Thoughts, that Malice never charg'd any Party or Persons with a Design of Introducing it, tho' this now pretended over ruling Power in the Crown was so utterly unknown, that there's not one Authority, either good, or bad, in all the Law-Books that can be produc'd for it.

As for the Cases quoted from History as paralell, cou'd they produce Examples of such a Body of Men, as the House of Lords, that merely, by having their Number limited, get such a Power as is pretended this Bill will give them, their Instances wou'd be pertinent ; but tho' we may suppose History has been ransack'd for this purpose, yet all their Facts make against them. One wou'd be apt to think, that the Cause depended on what the *Ephori* did at *Sparta*, since that is so pompously display'd by the *Plebian*, from a
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modern

modern Author of (as he says) great Boldness, but no Judgment *par pari gaudet*.

The *Ephori*, as ancient Writers testify, were of the same Nature with the Tribunes of *Rome*, set up by the People to counterbalance the Power of the Crown and Senate with the Consent of *Theopompus*, their King; and they being at the Head of the Populacy, tramp'd on the Senate, instituted by their great Founder *Lycurgus*, to repress the Insolence of their Kings, and the Fury of the People; and in a Word, they acted much after the manner he describes, till the People grew weary of them; and to mend the Matter, set up a worse Tyranny, That of a single Person, who among other perfidious Acts wip'd off the Publick Debts all at once.

As to his modern Example from *Denmark*, since he does not pretend the Nobles were limited as to their Number, and consequently, cou'd not be free from Taxes, or enjoy their other great Privileges by Virtue of it; that Instance is nothing to the Purpose, nor does it excuse the Commons provok'd by an angry Word, for giving up their Liberties; and that with so much Precipitation, that the whole Kingdom was enslav'd in four Days; the People, as the Noble Author quoted by him observes, have since experimented, that the
little

little Finger of an Absolute Prince can be heavier than the Loins of many Nobles—to them remains the Glory of Forging their own Chains, and the Advantage of Obeying without Reserve.

In a Government, where the Commons are not only vastly more powerful than the Lords, but have the Taxing of them, an Instance of this Nature may serve to put us on our Guard against such wicked Men who endeavour to create Jealousies between the Two Houses ; a sure Way to enslave both.

The Author of the *Thoughts* affirms, that if the House of Commons were fix'd and indissolvable, the Government wou'd soon dissolve into an ill contriv'd *Democracy* ; to prove this, he says, “ That when the
 “ Commons were fix'd, in a dissolvable Body,
 “ the Lust of Dominion soon got the better of all their Vertues, and they first
 “ garbl'd their own House by Expelling
 “ their refractory Members; then depos'd
 “ the King; and at last the House of Lords,
 “ and assum'd a greater Tyranny to themselves than they oppos'd in the Crown.

If being indissolvable, made the Commons so powerful, how came the Lords, who were equally indissolvable, so weak? and if the Lower House was then a fix'd Body, how cou'd they garble themselves? an Immortal

Body destroying itself is not a greater Mystery; tho' in Truth had they been then a fix'd Body, none of those atrocious Crimes cou'd have happen'd; which was wholly owing to the Army, garbling that House.

The Noble Historian he quotes tells us, that the Commons unanimously voted the King's Answer to the Proposals of both Houses, a Ground for the Houses to proceed upon for the Settlement of the Kingdom; upon which the Army the next Day confin'd about an Hundred of their Members; and that the Doors of the House of Lords were afterwards lock'd up for unanimously Voting the same Thing. And the Author of the Argument against the standing Army mentions several Violences of this Nature practis'd by the Army on this fix'd Body.

If the same fatal Consequences may as well flow from Over-ruling the Votes of a House, by adding to their Number, as by diminishing it; and the Army either way might have carry'd their Point, this, sure, can be no Argument for putting either of the Houses in the Power of the Sovereign, who commands the Sword.

I shall say no more on this Head, but that if Princes, generally speaking, may be as full of Ambition, to get Arbitrary Power, as either of the Houses of Parliament,
are

are capable of being, all the Arguments drawn from their, or indeed, any other Bodies of Men acting upon selfish Views, can only serve to illustrate the Wisdom of our Ancestors in Lodging the Supreme Powers in Three such Estates, as are in Interest oblig'd to watch one another narrowly, and Two of them to oppose the Third in all the Steps it may take towards Arbitrary Power.

There are others particularly the *Author of the Discourse on Honour and Peerage*, who maintain, That the independency of the House of Lords is so very evident that it has no need of a new Law for its support. But there is, I believe, no instance wherever the Nation thought those Liberties on which the Crown had made any encroachment secure, till they were confirm'd by new Laws; especially when any pretended by Principles to justify the encroachment; and if this has been the constant practice in Things of lesser moment, there's the greatest reason it shou'd be so, where the very being of a branch of the Legislature is concern'd.

To conclude, *1st*. If this Bill does not pass, the Lords of *Scotland*, who are in the King's Interest, especially those who are elected to serve in Parliament will have no Power, and this Nation must be put
to

to a vast Expence to keep that People quiet, and perhaps the Union it self dissolv'd.

Secondly, Tho' this Bill may be oppos'd by several wealthy and overgrown Commons, who have an Ambition to be Lords themselves, and are most clamorous against it; yet nothing can so effectually preserve our Property and Liberty from falling into the hands of Persons Popishly affected, and for Arbitrary Power.

Thirdly, Nothing is more vain, than to imagin that the Lords can attain an Aristocratical Power, since they never attempted it in their highest exaltation, when they were superiour both to the Crown and Commons, and would most certainly be ruin'd in the attempt.

Fourthly, The Power of adding to the number of the Peers at the Pleasure of the Crown, hath cost the Nation dear; and therefore ought always to be dreaded: 'Twas this, which threw out the Bill of Exclusion, to say no more of that dismal Example in the late Reign, which is in every ones Memory.

Fifthly,

Fifthly, This Bill will fix the Constitution in its due Ballance of Power, prevent the Fluctuations which have so-much disturb'd the publick Peace; and if this occasion should be lost, which never happen'd before, and what is now so generously offer'd by our most Gracious Prince be rejected, 'Tis most unlikely and even unreasonable for us to expect that the like opportunity will ever present it self a gain.

F I N I S.









